

EL PASO COUNTY



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PLANNING & COMMUNITY DEVELOPMENT

TO: El Paso County Board of County Commissioners
Stan VanderWerf, Chair

FROM: Kylie Bagley, Planner II
Lupe Packman, EI Engineer I
Kevin Mastin, Interim Executive Director

RE: Project File #: VA-22-004
Project Name: Peaceful Valley Additional Dwelling Unit
Parcel No.: 55220-08-004

OWNER:	REPRESENTATIVE:
Bonnie, Clyde & Co., LLC 9530 Peaceful Valley Rd Colorado Springs, CO 80925	Vertex Nina Ruiz PO Box 1385 Colorado Springs, CO 80901

Commissioner District: 4

Planning Commission Hearing Date: 12/1/2022
Board of County Commissioners Hearing Date: 12/20/2022

EXECUTIVE SUMMARY

A request by Nina Ruiz, with Vertex, for approval of a variance of use for a second dwelling in the RR-0.5 (Residential Rural) district. The 0.59-acre property is zoned RR-0.5 (Residential Rural) and is located 0.03 miles east of the intersection of Sand Trap Drive and Peaceful Valley Road and north of Peaceful Valley Road and is within Section 22, Township 15 South, Range 65 West of the 6th P.M.

2880 INTERNATIONAL CIRCLE
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910
PLNWEB@ELPASOCO.COM

A. REQUEST/WAIVERS/DEVIATIONS/AUTHORIZATION

Request: A request by Nina Ruiz, with Vertex, for approval of a variance of use for a second dwelling in the RR-0.5 (Residential Rural) district.

Waiver(s)/Deviation(s): No waivers are being requested as part of this application.

Authorization to Sign: There are no documents associated with this application that require signing.

B. PLANNING COMMISSION SUMMARY

Request Heard: As a Called-Up Consent Item at the December 1st, 2022, PC hearing.

Recommendation: Approval with recommended conditions and notations.

Waiver Recommendation: N/A

Vote: 7 - 1

Vote Rationale: 1 No – **Mr. Trowbridge** stated he is not comfortable with the second dwelling unit being right next to the existing house. He does not think an ADU is compatible with the neighborhood and was concerned that it could not be determined if any other accessory structures in the area were being used as rental units.

Summary of Hearing: The Planning Commission draft minutes are attached.

Legal Notice: N/A

C. APPROVAL CRITERIA

Pursuant to Section 5.3.4 of the Land Development Code, the Planning Commission and Board of County Commissioners may consider the following criteria in approving a variance of use:

- The strict application of any of the provisions of this Code would result in peculiar and exceptional practical difficulties or undue hardship.
- The variance of use is generally consistent with the applicable Master Plan;
- The proposed use is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the surrounding area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and County;
- The proposed use will be able to meet air, water, odor or noise standards established by County, State or federal regulations during construction and upon completion of the project;
- The proposed use will comply with all applicable requirements of this Code and all applicable County, State and federal regulations except those portions varied by this action;



- The proposed use will not adversely affect wildlife or wetlands;
- The applicant has addressed all off-site impacts;
- The site plan for the proposed variance of use will provide for adequate parking, traffic circulation, open space, fencing, screening, and landscaping; and/or
- Sewer, water, storm water drainage, fire protection, police protection, and roads will be available and adequate to serve the needs of the proposed variance of use as designed and proposed.

D. LOCATION

North:	RR-0.5 (Residential Rural)	Single Family Residential
South:	City of Fountain	Vacant Land
East:	RR-0.5 (Residential Rural)	Single Family Residential
West:	RR-0.5 (Residential Rural)	Single Family Residential

E. BACKGROUND

The parcel was zoned A-1 (Garden Home District) on September 20, 1965, when zoning was first initiated for this portion of El Paso County (BoCC Resolution No. 434870). Due to changes in the nomenclature of the Land Development Code, the A-1 zoning district was renamed as the RR-0.5 (Residential Rural) zoning district.

The applicant is requesting a variance of use for a 720 square foot second dwelling unit on a 0.59 acre property. It is the applicant’s intent to use the second dwelling unit for their mother but is requesting a variance of use as to not limit future resident of the second dwelling unit

F. ANALYSIS

1. Land Development Code Analysis

Pursuant to Table 5-1 of the Land Development Code, an additional dwelling is not a permitted use in the RR-0.5 zoning district. The requested use is not consistent with the character and use allowances of the RR-0.5 zoning district without approval of a variance of use.

The Land Development Code defines “Dwelling, Additional” as:

“A dwelling unit, allowed in the A-35 District only, either within or added to an existing single-family detached dwelling or located as a separate accessory structure on the same lot or parcel as the principal single-family dwelling, for use as a complete, independent living facility with provisions within the



dwelling unit for cooking, eating, sanitation, and sleeping. The additional dwelling shall be considered an accessory use to the principal dwelling.”

An additional dwelling unit is not allowed as a permitted use in the RR-0.5 (Residential) zoning district.

2. Zoning Compliance

The RR-0.5 (Residential Rural) zoning district density and dimensional standards are as follows:

- Minimum zoning district area: 21,780 square feet
- Minimum front yard setback: 25 feet ^{3, 11}
- Minimum side yard setback: 25 feet for primary structures and 5 feet for accessory structures ³
- Minimum rear yard setback: 10 feet ^{3, 11}
- Maximum lot coverage: none
- Maximum height: 30 feet

³ Agricultural stands shall be setback a minimum of 35 feet from all property lines.

¹¹ The side yard setback for an accessory structure shall be 10 feet, unless the structure is at least 60 from the front property line or nearest road right of way, where a 5 feet setback is allowed. In no instance shall an accessory structure be closer to the front property line than the principal structure.

The applicant has provided a site plan indicating the locations of the structures associated with a second dwelling. The proposed site plan complies with the RR-0.5 zoning district density and dimensional standards. The applicant is not proposing any setback encroachments or dimensional variances.

Should the variance of use request be approved, approval of a site development plan will be required prior to initiating the use. The site development plan review will include confirmation that all site improvements (existing and proposed) will comply with the dimensional standards included in Chapter 5 as well as the Development Standards of Chapter 6 of the Code.

3. Policy Plan Analysis

Consistency with Your El Paso County Master Plan (2021) is not a required review criterion under the current (2022) version of the Land Development Code for a variance of use request. However, for informational purposes, the following is an analysis of the Plan as it applies to the application being considered with a specific focus on Chapter 3, Land Use, including identifying Key Area influences and the applicable Areas of Change and Placetype designations as well as the applicable



Core Principles, Goals, Objectives, and Specific Strategies of the Action Matrix included in Chapter 14, which is the Implementation chapter of the Plan.

a. Placetype: Suburban Residential

Placetype Character:

“Suburban Residential is characterized by predominantly residential areas with mostly single-family detached housing. This placetype can also include limited single-family attached and multifamily housing, provided such development is not the dominant development type and is supportive of and compatible with the overall single-family character of the area. The Suburban Residential placetype generally supports accessory dwelling units. This placetype often deviates from the traditional grid pattern of streets and contains a more curvilinear pattern.

Although primarily a residential area, this placetype includes limited retail and service uses, typically located at major intersections or along perimeter streets. Utilities, such as water and wastewater services are consolidated and shared by clusters of developments, dependent on the subdivision or area of the County.

Some County suburban areas may be difficult to distinguish from suburban development within city limits. Examples of the Suburban Residential placetype in El Paso County are Security, Widefield, Woodmen Hills, and similar areas in Falcon.”

Recommended Land Uses:

Primary

- Single-Family Detached Residential with lots sizes smaller than 2.5 acres per lot, up to 5 units per acre

Supporting

- Single-family Attached
- Multifamily Residential
- Parks/Open Space
- Commercial Retail
- Commercial Service
- Institutional



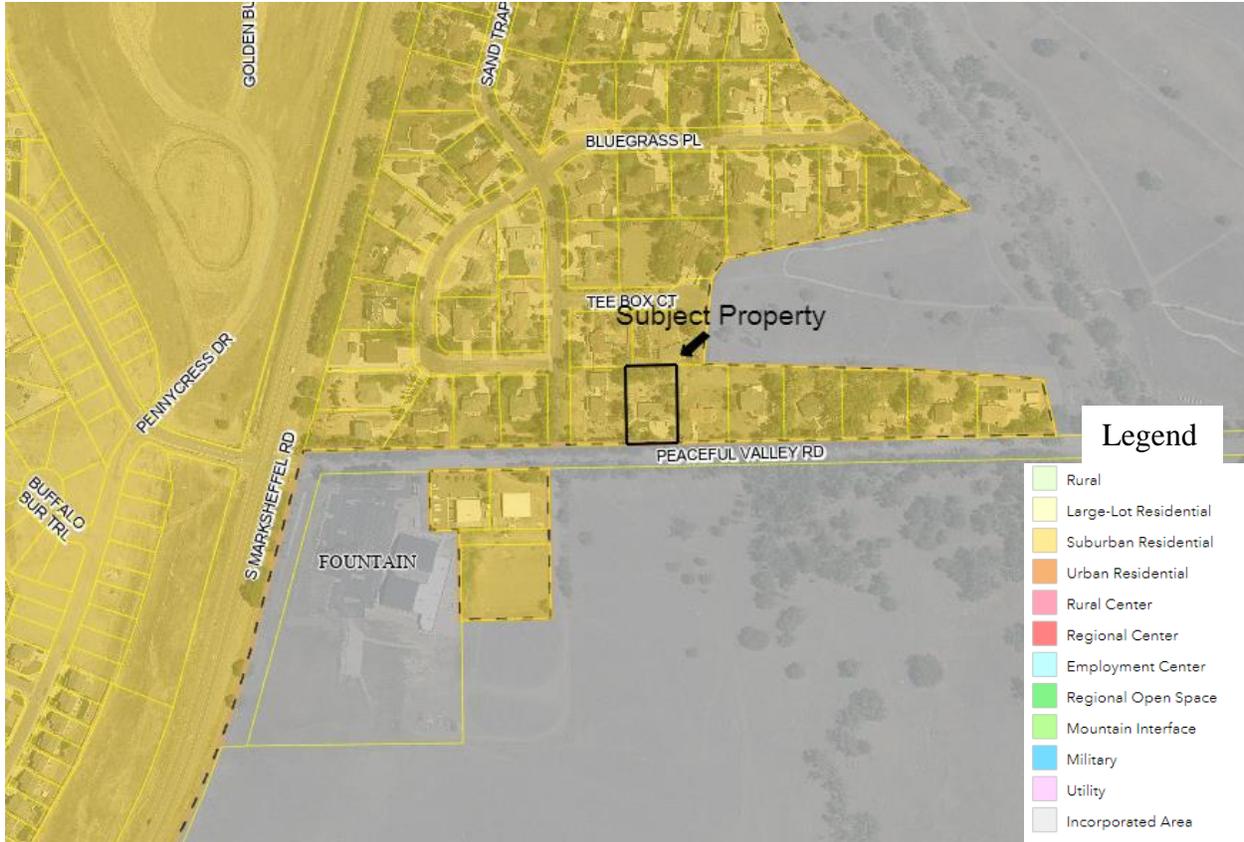


Figure G.1: Placetype Map

Analysis:

The property is located within the Suburban Residential placetype. The Suburban Residential placetype comprises the County’s traditional residential neighborhoods with supporting commercial uses at key intersections.

Goal LU3: “Encourage a range of development types to support a variety of land uses.”

Specific Strategy: “The Minimal Change: Developed areas are likely to see more intense infill development with a mix of uses and scale of redevelopment that will significantly impact the character of an area. Regardless of the development that may occur, if these areas evolve to a new development pattern of differing intensity, their overall character should be maintained.”

Goal HC1: “Promote development of a mix of housing types in identified areas.”



Objective HC1-4: *“In Suburban Residential areas, clustered development should be encouraged to increase density while also preserving open space and such development should consist of a mix of single-family detached, single-family attached, and multifamily units.”*

According to the applicants Letter of Intent “The proposed variance of use would result in an overall density of approximately 3.4 dwelling units per acre. The placetype specifically identifies accessory dwelling units as being supported within the placetype. Page 29 states “Accessory Dwelling Units (ADUs) are compatible in this placetype and should function in the context of the existing neighborhood.”” The site plan will be required to meet the development standards of the Land Development Code.

b. Area of Change Designation: Minimal Change: Developed

“These areas have undergone development and have an established character. Developed areas of minimal change are largely built out but may include isolated pockets of vacant or underutilized land. These key sites are likely to see more intense infill development with a mix of uses and scale of redevelopment that will significantly impact the character of an area. For example, a large amount of vacant land in a suburban division adjacent to a more urban neighborhood may be developed and change to match the urban character and intensity so as to accommodate a greater population. The inverse is also possible where an undeveloped portion of a denser neighborhood could redevelop to a less intense suburban scale. Regardless of the development that may occur, if these areas evolve to a new development pattern of differing intensity, their overall character can be maintained.”



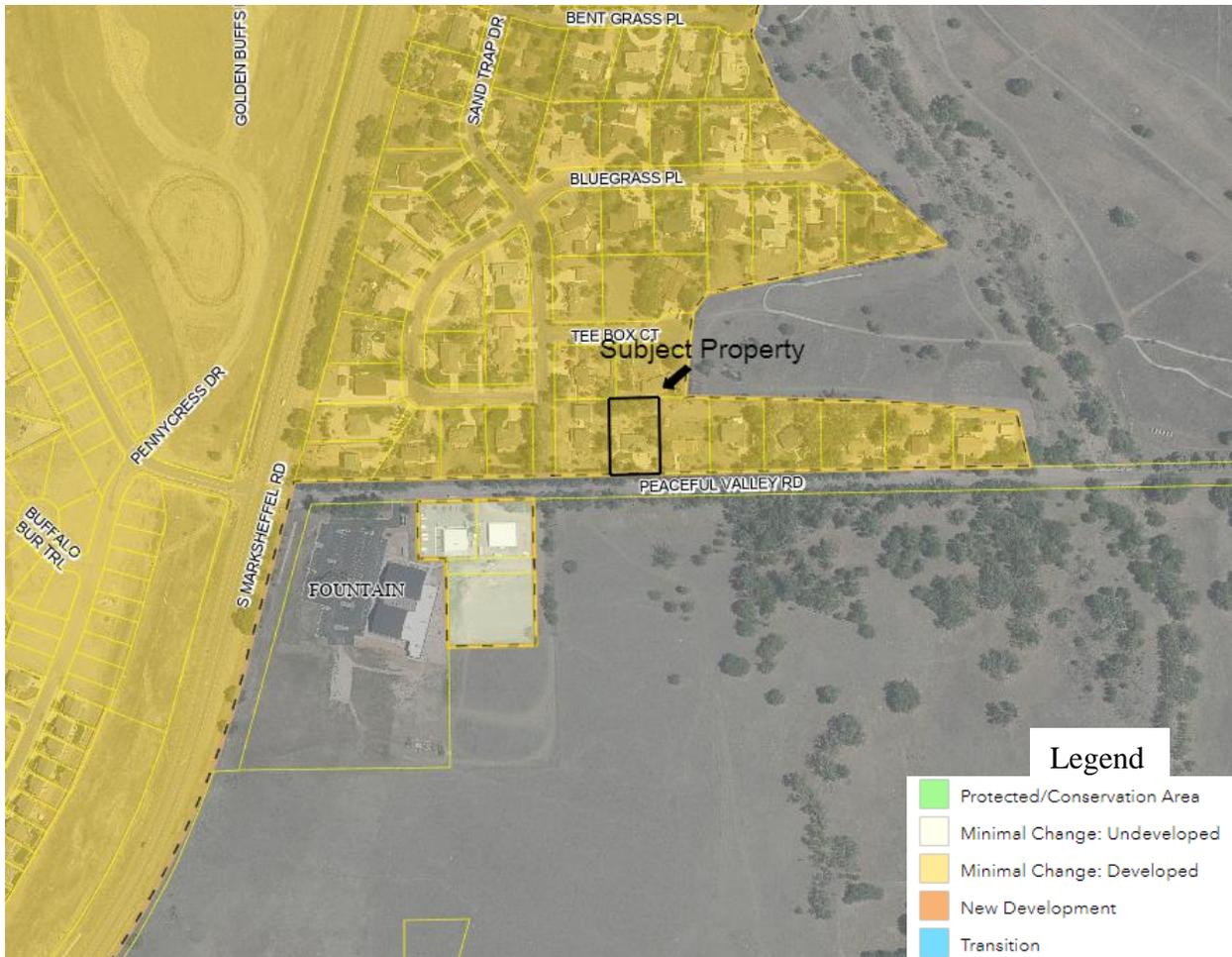


Figure G.2: Area of Change Map

c. Key Area Influences:

The subject property is not located within a Key Area of Influence.

4. Water Master Plan Analysis

Consistency with the El Paso County Water Master Plan (2018) is not a required review criterion for a variance of use request. For background, the Water Master Plan has three main purposes; better understand present conditions of water supply and demand; identify efficiencies that can be achieved; and encourage best practices for water demand management through the comprehensive planning and development review processes. Relevant policies are as follows:

Goal 1.1 – *Ensure an adequate water supply in terms of quantity, dependability and quality for existing and future development.*

Policy 1.1.1 – Adequate water is a critical factor in facilitating future growth and it is incumbent upon the County to coordinate land use planning with water demand, efficiency and conservation.

Goal 1.2 – Integrate water and land use planning.

Goal 4.3 – Collaborate with the State and other stakeholders to extend the economic life of the Denver Basin aquifers.

Policy 4.3.6 – Encourage well monitoring throughout the County, with an emphasis on the Denver Basin aquifer fringe areas.

The subject parcel is in Region 7 of the El Paso County Water Master Plan. Region 7 has a current central water supply of 15,376-acre feet per year and a current demand of 10,141-acre feet per year. The 2040 water supply is projected to be 25,241-acre feet per year and the projected demand is 15,846-acre feet. The 2060 water supply is projected to be 27,840-acre feet per year, whereas the demand is anticipated to be 26,969-acre feet per year; therefore, there is projected to be a sufficient supply of water for central water providers in this region of the County.

Water sufficiency is not required for a variance of use application. Water is proposed to be provided through Widefield Water and Sanitation.

5. Other Master Plan Elements

The Master Plan for Mineral Extraction (1996) identifies alluvial fan deposits in the area of the subject parcels. A mineral rights certification was prepared by the applicant indicating that, upon researching the records of El Paso County, no severed mineral rights exist.

Please see the Parks Section below for information regarding conformance with The El Paso County Parks Master Plan (2013).

Please see the Transportation Section below for information regarding conformance with the 2016 Major Transportation Corridor Plan (MTCP).

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

No hazards were identified as part of this Variance of Use application.



2. Wildlife

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a high wildlife impact potential.

3. Floodplain

FEMA Flood Insurance Rate Map (FIRM) panel number 08041C0957G, which has an effective date of December 7, 2018, indicates the subject property is located within Zone X, area of minimal flood hazard outside of the 100 to 500-year floodplain.

4. Drainage and Erosion

The site is located within the Jimmy Camp Creek drainage basin. This drainage basin is included in the El Paso County drainage basin fee program. Drainage and bridge fees will not be assessed for the site.

5. Transportation

The subject property is located north of Peaceful Valley, east of Marksheffel Road. Peaceful Valley is a rural local road and is owned and maintained by the County. A traffic study was not required for this application. The applicant will be required to obtain an access permit if there is not one on file.

The development is subject to the El Paso County Road Impact Fee program (Resolution No. 19-471).

H. SERVICES

1. Water

Water is provided by Widefield Water and Sanitation.

2. Sanitation

Wastewater is provided by Widefield Water and Sanitation.

3. Emergency Services

The property is within the Security Fire Protection District.

4. Utilities

Mountain View Electric Association (MVEA) will provide electricity to the property and Black Hills Energy will provide natural gas. Both MVEA and Black Hills Energy were notified of the variance of use and have no objections.



5. Metropolitan Districts

The subject property is not located within a metropolitan district.

6. Parks/Trails

Land dedication and fees in lieu of park land dedication are not required for a variance of use application.

7. Schools

Land dedication and fees in lieu of school land dedication are not required for a variance of use application.

I. APPLICABLE RESOLUTIONS

See attached resolution.

J. STATUS OF MAJOR ISSUES

There are no major issues associated with the Variance of Use application.

K. RECOMMENDED CONDITIONS AND NOTATIONS

Should the Planning Commission and Board of County Commissioners find that the request meets the criteria for approval outlined in Section 5.3.4 of the El Paso County Land Development Code (2022), staff recommends the following conditions and notations:

CONDITIONS

1. Approval is limited to the use of a second dwelling, as discussed, and depicted in the applicant's letter of intent and site plan drawings. Any subsequent addition or modification to the use beyond that described in the applicant's letter of intent and as shown on the site plan shall be subject to approval of a new variance of use request.
2. A residential site plan shall be applied for and approved on the site within six (6) months of the date of variance of use approval by the Board of County Commissioners. The deadline may be extended by the PCD Director, at his or her discretion, if the Director finds that the applicant has made a good faith effort to secure such approval.

NOTATIONS

1. Variance of Use approval includes conditions of approval and the accompanying site plan and elevation drawings. No substantial expansion, enlargement,



intensification, or modification shall be allowed except upon reevaluation and public hearing as specified in the El Paso County Land Development Code.

2. The Board of County Commissioners may consider revocation and/or suspension if zoning regulations and/or Variance of Use conditions/standards are being violated, preceded by notice and public hearing.
3. If the Variance of Use is discontinued or abandoned for two (2) years or longer, the Variance of Use shall be deemed abandoned and of no further force and effect.

L. PUBLIC COMMENT AND NOTICE

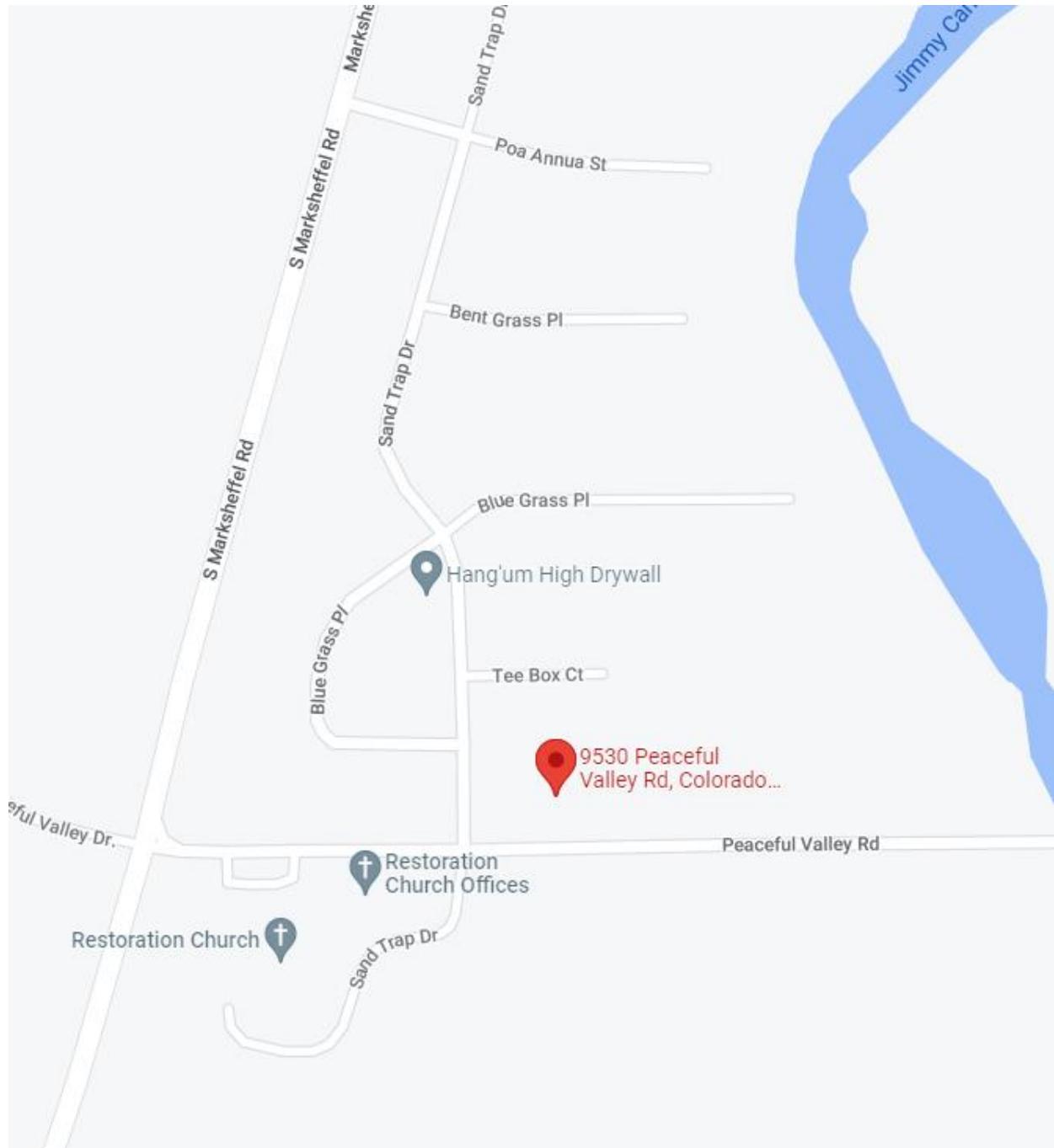
The Planning and Community Development Department notified five (5) adjoining property owners on November 14, 2022, for the Planning Commission meeting. Responses will be provided at the hearing.

M. ATTACHMENTS

Vicinity Map
Letter of Intent
Site Plan
Signed PC Resolution
Draft PC Minutes
Draft BOCC Resolution



Vicinity Map





Vertex Consulting Services, LLC
455 Pikes Peak Avenue, Suite 101
Colorado Springs, CO 80903-3672
719-733-8605

**Peaceful Valley Second Dwelling
Variance of Use
Letter of Intent**

September 27, 2022

Bonnie, Clyde & Co., LLC
9530 Peaceful Valley Road
Colorado Springs, CO 80925

Planner: Vertex Consulting Services, Nina Ruiz
455 E Pikes Peak Avenue, Suite 101
Colorado Springs, CO 80903
719-733-8605
Nina.ruiz@vertexc.com

Tax Schedule No: 55220-08-004

Acreage: 0.59 Acres

Zoning: RR-0.5 (Residential Rural)

Site Location, Size, Zoning:

Vertex Consulting Services, on behalf of The Bonnie, Clyde & CO. LLC, is respectfully submitting a variance of use application for the proposed second dwelling. The property is located east of Marksheffel Road and north of Peaceful Valley Road. The 0.59 acre property is presently zoned RR-0.5 (Residential Rural). The proposed variance of use is compatible with the surrounding existing and planned development and is consistent with the Your El Paso Master Plan.

The property is surrounded by the RR-0.5, CC, and City of Fountain PUD zoning districts:



Request & Justification:

The purpose of this application is to request approval of a variance of use to allow for a second dwelling in the RR-0.5 zoning district. Although the property owner's intent is to provide housing to their mother initially, the variance of use request is to not limit the occupancy of the requested second dwelling. The pages that follow address each one of the Variance of Use criteria included within Section 5.3.4 of the El Paso County Land Development Code:

The strict application of any of the provisions of this Code would result in peculiar and exceptional practical difficulties or undue hardship.

Rezoning the property to a multi-family zoning district, such as the RM-12 zoning district, is unadvisable as residential development of 12 dwelling units per acre is incompatible with the existing surrounding development. The surrounding neighborhood is characterized by single-family estate residential development with large, detached accessory structures. The RR-0.5 zoning district allows for a two-family dwelling unit as a special use within the zoning district, however, the owner does not feel as though the massing of an attached structure fits into the character of the surrounding development, whereas a detached structure of 720 square feet approximates the size of several of the accessory structures in the neighborhood. Additionally, an attached addition would require that the irrigation system, HVAC, and gas line be replaced as well as the entire roofline of the existing dwelling be redesigned to accommodate the addition. The requested variance of use is the only reasonable request to allow for a second dwelling on the subject property.

The proposed 720 square foot accessory dwelling is compatible with the massing and scale of other accessory structures in the surrounding neighborhood. The below map depicts the location and size of detached accessory structures in the neighborhood:



Approximate footprint:	
1. 1,600 sq. ft.	7. 600 sq. ft.
2. 830 sq. ft.	8. 330 sq. ft.
3. 430 sq. ft.	9. 1,700 sq. ft.
4. 850 sq. ft.	10. 530 sq. ft.
5. 940 sq. ft.	11. 400 sq. ft.
6. 880 sq. ft.	12. 650 sq. ft.

- *The variance of use is generally consistent with the applicable Master Plan;*

Please see the Master Plan analysis beginning on page 6.

- *The proposed use is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the surrounding area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and County;*

The property is primarily surrounded by other properties within the RR-0.5 zoning district, with the exception of the vacant Fountain PUD property located to the south. This vacant property is anticipated to be urban level development. As described above, the surrounding development is characterized by estate residential development with large, detached accessory structures. Additionally, the RR-0.5 zoning district permits a two-family dwelling with special use approval. The applicant is requesting a detached second dwelling due to the character and massing of a detached structure being more compatible with the surrounding development than that of an attached dwelling. Should the structure have been attached to the home, no variance of use would be required. For this reason, the use is compatible with the surrounding development.

The applicant proposes to build an accessory residence, 18 feet by 30 feet with an overall roof height

not to exceed 26 feet. The second dwelling will face south to match the character and orientation of the primary residence. The exterior of the proposed second dwelling will have natural stone accents and the roofing material will be shingle of medium tone to match the primary residence exterior appearance. Landscaping will be installed with the second dwelling to complement the existing landscaping onsite. The proposed use is a single-family dwelling which will not be detrimental to the health, safety and welfare of int inhabitants of the area and County.

- *The proposed use will be able to meet air, water, odor or noise standards established by County, State or federal regulations during construction and upon completion of the project;*

The proposed use is a single-family dwelling to be served by central water and sanitation. The construction of the dwelling will be in compliance with all El Paso County and State air quality regulations. After construction, the dwelling will meet all air, water, odor or noise standards.

- *The proposed use will comply with all applicable requirements of this Code and all applicable County, State and federal regulations except those portions varied by this action;*

The proposed dwelling is within the RR-0.5 zoning district. Table 5-4 of the Land Development Code identifies the density and dimensional standards of the RR-0.5 zoning district:

- Minimum lot size: 21,780 sq. ft.
- Front Setback: 25 feet
- Side Setback: 10 feet unless the primary structure is setback more than 60 feet, then the side setback of accessory structures can be reduced to 5 feet
 - *The home is setback more than 60 feet
- Rear Setback: 25 feet for the primary structure and 5 feet for accessory structures
- Maximum Height: 30 feet

The proposed dwelling will meet all setback and height requirements of the RR-0.5 zoning district, as depicted on the variance of use site plan.

El Paso County allows for a detached “Accessory Living Quarters” within the RR-0.5 zoning district. The variance of use need not meet the use specific standards for an “Accessory Living Quarters”, however, the owner has chosen to meet all those standards included within Section 5.2.1 of the Land Development Code, with the exception of the use being limited to temporary occupancy and the owner installing separate meters. The structure will be a detached structure 720 square feet in size which will match the character of the existing dwelling onsite.

- *The proposed use will not adversely affect wildlife or wetlands;*

There are no wetlands or significant wildlife habitat onsite.

- *The applicant has addressed all off-site impacts;*

There are no anticipated additional off-site impacts except for a minor increase in traffic. The home is anticipated to generate an additional 10 average daily trips, consistent with typical single-family development.

- *The site plan for the proposed variance of use will provide for adequate parking, traffic circulation, open space, fencing, screening, and landscaping; and/or*

The Land Development Code requires a minimum of 2 parking spaces per dwelling. The site plan depicts a minimum of 6 parking spaces onsite, which exceeds the parking requirement of 4 spaces. No screening, open space, fencing, screening, or landscaping is required for single-family development, therefore, there are none are depicted beyond what is presently onsite. Landscaping will be installed with the second dwelling to complement the existing landscaping onsite.

- *Sewer, water, storm water drainage, fire protection, police protection, and roads will be available and adequate to serve the needs of the proposed variance of use as designed and proposed.*

Water and sewer will be provided by Widefield Water and Sanitation District. The property is within the Security Fire Protection District. El Paso Sherriff's Department will respond to any emergency reported onsite. The proposed second dwelling will take access from Peaceful Valley Road, a County owned and maintained right-of-way.

Master Plan Elements

Below is an analysis of the various El Paso County Master Plan elements.

Your El Paso County Master Plan Analysis

Chapter 1 of Your El Paso Master Plan (2021) states that the Plan is "general in nature-it cannot tackle every issue in sufficient detail to determine every type of necessary action." In addition, Chapter 1 goes on to state that the Plan "is intended to provide clearer and more coordinated policy, resulting in a document that effectively communicates County goals and identifies specific actions to achieve both County-wide and local area objectives." When taken together, these two statements suggest to the reader that the Plan may only address certain issues at a cursory level and that specific steps or actions for addressing such issues may not be offered within the Plan. That conclusion is certainly the case in numerous instances and with regard to a variety of topical areas. However, where that is not the case is with respect to the variance of use request, as identified below in an analysis of Chapter 3 of the Plan.

Key Area Analysis

The subject property is not identified in the Plan as being a Key Area, however, a Key area is in proximity. The nearest Key Area to the subject property is the Potential Areas for Annexation Key Area, which is located Approximately 0.5 miles to the east. The Master Plan contemplates that the Potential Area for Annexation Key Area will see an increase in density and development. The proposed second dwelling will result in an increase in density for the subject property, even if the change is insubstantial. The proposed variance of use is in general conformance with the Key Area

influence.

Area of Change Analysis

The subject property is identified in the Areas of Change map within the Plan as being within the “Minimal Change: Developed” area of change.

Page 21 of the Plan characterizes areas of “Minimal Change: Developed” by stating:

“These areas have undergone development and have an established character. Developed areas of minimal change are largely built out but may include isolated pockets of vacant or underutilized land. These key sites are likely to see more intense infill development with a mix of uses and scale of redevelopment that will significantly impact the character of an area. For example, a large amount of vacant land in a suburban division adjacent to a more urban neighborhood may be developed and change to match the urban character and intensity so as to accommodate a greater population. The inverse is also possible where an undeveloped portion of a denser neighborhood could redevelop to a less intense suburban scale. Regardless of the development that may occur, if these areas evolve to a new development pattern of differing intensity, their overall character can be maintained.”

(Emphasis added)

The subject property is currently developed and is surrounded by other residential properties. The Master Plan anticipates redevelopment to be more intense than the existing development and identifies that as long as the character can be maintained, redevelopment should occur. As discussed above, the proposed detached second dwelling is in conformance with the physical attributes of the surrounding development. Additionally, a two family dwelling is permitted by special use in the RR-0.5 zoning district, therefore the use can be considered in conformance with the zoning district.

Placetype Analysis

The subject property is shown on the Placetypes map of Your El Paso Master Plan as being within the Suburban Residential Placetype. Page 28 of the Plan identifies the following land uses as being Primary Land Uses within the Suburban Residential Placetype:

- Single-Family Detached Residential with lots sizes smaller than 2.5 acres per lot, up to 5 units per acre

In addition, the Placetype includes the following Supporting Land Uses:

- Single-family Attached
- Multifamily Residential
- Parks/Open Space
- Commercial Retail
- Commercial Service
- Institutional

The Suburban Residential Placetype is described further on page 28 as follows:

“Suburban Residential is characterized by predominantly residential areas with mostly single-family detached housing. This placetype can also include limited single-family attached and multifamily housing, provided such development is not the dominant development type and is supportive of and compatible with the overall single-family character of the area. The Suburban Residential placetype generally supports accessory dwelling units. This placetype often deviates from the traditional grid pattern of streets and contains a more curvilinear pattern. Although primarily a residential area, this placetype includes limited retail and service uses, typically located at major intersections or along perimeter streets. Utilities, such as water and wastewater services are consolidated and shared by clusters of developments, dependent on the subdivision or area of the County. Some County suburban areas may be difficult to distinguish from suburban development within city limits. Examples of the Suburban Residential placetype in El Paso County are Security, Widefield, Woodmen Hills, and similar areas in Falcon.”
(emphasis added)

The proposed variance of use would result in an overall density of approximately 3.4 dwelling units per acre. The placetype specifically identifies accessory dwelling units as being supported within the placetype. Page 29 states “Accessory Dwelling Units (ADUs) are compatible in this placetype and should function in the context of the existing neighborhood.” The proposed variance of use is in conformance with the placetype recommendations.

Housing & Communities

The Housing and Communities chapter specifically contemplates accessory dwelling units and recommends that the County can proactively promote them as a housing type:

“Allowing alternative forms of density, such as small-lot homes or accessory dwelling units (“granny flats”), would provide more attainable housing units without altering neighborhood character. Allowing accessory dwelling units (ADUs), where appropriate, would be another tool to support more affordable rents. Accessory dwelling units can work well for people in various life stages, including students, young professionals, and empty nesters. Proactively promoting the construction of ADUs can take numerous forms including local fee waivers, pre-approved unit plans, assistance navigating the permit process, and working with local lenders to ensure construction and permanent financing is available for homeowners wishing to build ADUs.”

El Paso County Water Master Plan

The Executive Summary from the Water Master Plan states that “The Plan Water Master Plan (WMP) was developed for the Board of County Commissioners, El Paso County officials and staff, developers, citizens, and water providers within the County for the purpose of identifying and addressing water supply issues earlier in the land use entitlement process.” For that reason, water supply should be discussed even with a variance of use. This does not mean that a full water sufficiency finding should be made since sufficiency findings in El Paso

County are made at either the preliminary plan or final plat stage of development, both of which are part of the subdivision stage of development, which has already taken place.

The subject property is located within Planning Region 7 of the Water Master Plan, pursuant to Figure 3-1 on page 25. Region 7, Fountain Area, is expected to have the largest growth and demand in the County by 2060.

The Plan states the following with respect to Region 7:

“Areas projected to develop by 2040 are located south of Fountain (City) on the north and south sides of Link Road. Areas northwest of Fountain along the east and west sides of Marksheffel Road are also expected to grow by then, as well as the area south of Fountain on the west side of I-25.”

The Plan identifies the current supply and demand forecasts at full build out (year 2060) for each of the Planning Regions. The Table indicates that the current water supplies for Region 7 amounts to 15,376 AF of water per year. The 2040 water supply is projected to be 25,241-acre feet per year and the projected demand is 15,846-acre feet. The 2060 water supply is projected to be 27,840-acre feet per year, whereas the demand is anticipated to be 26,959-acre feet per year; therefore, there is projected to be a surplus supply of water for central water providers in this region of the County.

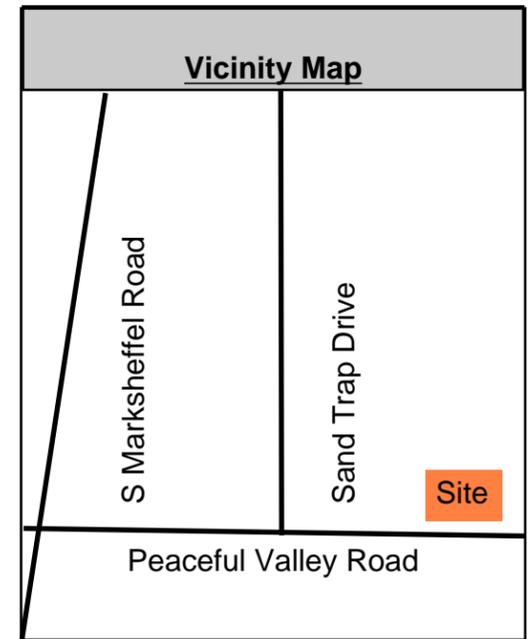
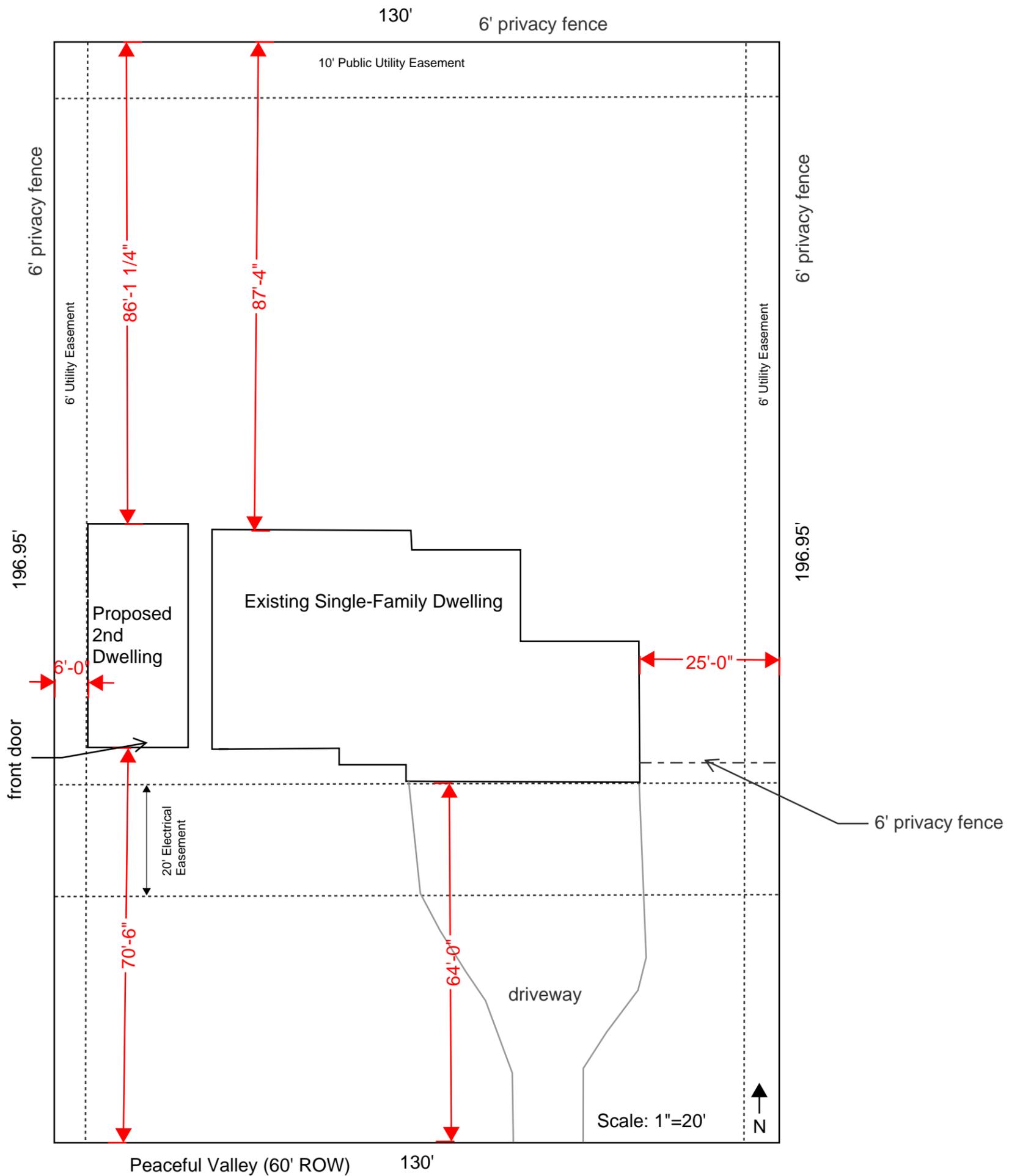
Not only does the Plan identify growth in the area, but it also identifies that there will be surplus water to support the anticipated growth. Widefield Water and Sanitation currently serves the existing dwelling and will continue to serve the proposed second dwelling. For the reasons stated above, the applicant requests that the proposed service plan be found to be in compliance with the Water Master Plan.

El Paso County Parks Master Plan

The El Paso County Parks Master Plan (2022) does not depict any planned or existing trails or open space on the subject property. Land dedication, or fees in lieu of land dedication are not required with a variance of use request.

Other Topical Elements of the County Master Plan

The proposed rezone is in compliance with the other topical elements of the County Master Plan, including the Master Plan for Mineral Extraction, and the El Paso County Wildlife Habitat Maps and Descriptors.



Applicant
 Vertex Consulting
 P.O.Box 1385
 Colorado Springs, CO 80901
 719-433-2018
 nina.ruiz@vertexc.com

Property Information
 Address: 9530 Peaceful Valley Road
 Parcel No: 5522008004
 Zoning: RR-0.5
 Acreage: 0.59 acres
 Coverage:

Request: Variance of Use to allow for a second dwelling a maximum of 720 square feet and 26 feet in height.

Parking Required: 2/dwelling unit
 Parking Provided: 3 car garage, 3 spaces in the driveway

The structure will be harmonious and compatible with the primary structure (dwelling).

VARIANCE OF USE (RECOMMEND APPROVAL)

Schuettpelz moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. VA-22-004
PEACEFUL VALLEY ADDITIONAL DWELLING UNIT

WHEREAS, Nina Ruiz with Vertex, did file an application with the El Paso County Planning and Community Development Department for approval of a variance of use to allow a second dwelling within the RR-0.5 (Residential Rural) zoning district for property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference; and

WHEREAS, a public hearing was held by this Commission on December 1, 2022; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the Master Plan for the unincorporated area of the County, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, and comments by the El Paso County Planning Commission Members during the hearing, this Commission finds as follows:

1. The application was properly submitted for consideration by the Planning Commission;
2. Proper posting, publication and public notice were provided as required by law for the hearing before the Planning Commission;
3. The hearing before the Planning Commission was extensive and complete, that all pertinent facts, matters, and issues were submitted and that all interested persons and the general public were heard at that hearing;
4. All exhibits were received into evidence;
5. The proposed land use does not permit the use of an area containing a commercial mineral deposit in a manner which would interfere with the present or future extraction of such deposit by an extractor;
6. All data, surveys, analyses, studies, plans, and designs as are required by the State of Colorado and El Paso County have been submitted, reviewed, and found to meet all

sound planning and engineering requirements of the El Paso County Subdivision Regulations; and

7. For the above-stated and other reasons, the proposed special use is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.

WHEREAS, pursuant to Section 5.3.4 of the Land Development Code (2022), the Planning Commission and Board of County Commissioners may consider the following criteria in approving a variance of use:

1. The strict application of any of the provisions of this Code would result in peculiar and exceptional practical difficulties or undue hardship.
2. The variance of use is generally consistent with the applicable Master Plan;
3. The proposed use is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the surrounding area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and County;
4. The proposed use will be able to meet air, water, odor or noise standards established by County, State or federal regulations during construction and upon completion of the project;
5. The proposed use will comply with all applicable requirements of this Code and all applicable County, State and federal regulations except those portions varied by this action;
6. The proposed use will not adversely affect wildlife or wetlands;
7. The applicant has addressed all off-site impacts;
8. The site plan for the proposed variance of use will provide for adequate parking, traffic circulation, open space, fencing, screening, and landscaping; and/or
9. Sewer, water, storm water drainage, fire protection, police protection, and roads will be available and adequate to serve the needs of the proposed variance of use as designed and proposed.

NOW, THEREFORE, BE IT RESOLVED, the El Paso County Planning Commission recommends approval of the variance of use to allow a second dwelling within the RR-0.5 (Residential Rural) zoning district with the following conditions and notations:

CONDITIONS

1. Approval is limited to the use of a second dwelling, as discussed, and depicted in the applicant's letter of intent and site plan drawings. Any subsequent addition or modification to the use beyond that described in the applicant's letter of intent and as shown on the site plan shall be subject to approval of a new variance of use request.
2. A site plan shall be applied for and approved on the site within six (6) months of the date of variance of use approval by the Board of County Commissioners. The deadline may

be extended by the PCD Director, at his or her discretion, if the Director finds that the applicant has made a good faith effort to secure such approval.

NOTATIONS

1. Variance of Use approval includes conditions of approval and the accompanying site plan and elevation drawings. No substantial expansion, enlargement, intensification, or modification shall be allowed except upon reevaluation and public hearing as specified in the El Paso County Land Development Code.
2. The Board of County Commissioners may consider revocation and/or suspension if zoning regulations and/or Variance of Use conditions/standards are being violated, preceded by notice and public hearing.
3. If the Variance of Use is discontinued or abandoned for two (2) years or longer, the Variance of Use shall be deemed abandoned and of no further force and effect.

AND BE IT FURTHER RESOLVED that this Resolution and the recommendations contained herein be forwarded to the El Paso County Board of County Commissioners for its consideration.

Bailey seconded the adoption of the foregoing Resolution.

The roll having been called, the vote was as follows: circle one

Brian Risley	<u>aye</u> / no / abstain / absent
Thomas Bailey	<u>aye</u> / no / abstain / absent
Tim Trowbridge	aye / <u>no</u> / abstain / absent
Joan Lucia-Treese	aye / no / abstain / <u>absent</u>
Becky Fuller	<u>aye</u> / no / abstain / absent
Sarah Brittain Jack	aye / no / abstain / <u>absent</u>
Jay Carlson	<u>aye</u> / no / abstain / absent
Eric Moraes	aye / no / abstain / <u>absent</u>
Joshua Patterson	aye / no / abstain / <u>absent</u>
Bryce Schuettpeiz	<u>aye</u> / no / abstain / absent
Christopher Whitney	<u>aye</u> / no / abstain / absent
Brandy Merriam	<u>aye</u> / no / abstain / absent

The Resolution was adopted by a vote of 7 to 1 by the Planning Commission of the County of El Paso, State of Colorado.

DONE THIS 1st day of December 2022, at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By: Brian Risley
Brian Risley, Chair

DATED: December 1, 2022

EXHIBIT A

LOT 6 PEACEFUL VALLEY COUNTRY CLUB ESTATES FIL NO 1

Kevin Mastin, Interim Executive Director
El Paso County Planning & Community Development
O: 719-520-6300
KevinMastin@elpasoco.com
2880 International Circle, Suite 110
Colorado Springs, CO 80910

Board of County Commissioners
Holly Williams, District 1
Carrie Geitner, District 2
Stan VanderWerf, District 3
Longinos Gonzalez, Jr., District 4
Cami Bremer, District 5

PLANNING COMMISSION

MEETING RESULTS (UNOFFICIAL RESULTS)

Planning Commission (PC) Meeting
Thursday, December 1, 2022
El Paso County Planning and Community Development Department
2880 International Circle – Second Floor Hearing Room
Colorado Springs, Colorado

REGULAR HEARING, 9:00 A.M.

PC MEMBERS PRESENT AND VOTING: BRIAN RISLEY, TOM BAILEY, JAY CARLSON, TIM TROWBRIDGE, BECKY FULLER, BRYCE SCHUETTPELZ, BRANDY MERRIAM, AND CHRISTOPHER WHITNEY.

PC MEMBERS VIRTUAL AND VOTING: NONE.

PC MEMBERS PRESENT AND NOT VOTING: NONE.

PC MEMBERS ABSENT: JOAN LUCIA-TREESE, SARAH BRITTAIN JACK, ERIC MORAES, JOSHUA PATTERSON.

STAFF PRESENT: KEVIN MASTIN, JUSTIN KILGORE, KARI PARSONS, KYLIE BAGLEY, LUPE PACKMAN, DANIEL TORRES, MIRANDA BENSON, AND EL PASO COUNTY ATTORNEY LORI SEAGO.

OTHERS PRESENT AND SPEAKING: TAMMY BARLOW, BRAD BUETOW, LUIS TREBOTICH, AND SUSAN DAVIES.

1. REPORT ITEMS

A. Planning Department. Next PC Hearing is Thursday, December 15, 2022, at 9:00 a.m.

DISCUSSION

Mr. Kilgore advised the PC members that PCD has hired one planner, who is expected to begin work on December 19th. Next week will be the second round of hiring for two other planner positions.

Mr. Risley asked if there was an update on the hiring of a new PCD executive director?

Mr. Mastin stated there are no updates at this time. An update should be available soon.

B. Call for public comment for items not on hearing agenda. NONE.

2. CONSENT ITEMS

A. Adoption of Minutes of meeting held November 17, 2022.

PC ACTION: THE MINUTES WERE APPROVED AS PRESENTED BY UNANIMOUS CONSENT (8-0).

B. VA-22-004

BAGLEY

VARIANCE OF USE PEACEFUL VALLEY ADDITIONAL DWELLING UNIT

A request by Nina Ruiz, with Vertex, for approval of a variance of use for a second dwelling in the RR-0.5 (Residential Rural) district. The 0.59-acre property is zoned RR-0.5 (Residential Rural) and is located 0.03 miles east of the intersection of Sand Trap Drive and Peaceful Valley Road and north of Peaceful Valley Road and is within Section 22, Township 15 South, Range 65 West of the 6th P.M. Parcel No. 5522008004) (Commissioner District No. 4).

Mr. Trowbridge requested this item be pulled to Called-Up Consent Items.

3. CALLED-UP CONSENT ITEMS

2B. VA-22-004

BAGLEY

VARIANCE OF USE PEACEFUL VALLEY ADDITIONAL DWELLING UNIT

A request by Nina Ruiz, with Vertex, for approval of a variance of use for a second dwelling in the RR-0.5 (Residential Rural) district. The 0.59-acre property is zoned RR-0.5 (Residential Rural) and is located 0.03 miles east of the intersection of Sand Trap Drive and Peaceful Valley Road and north of Peaceful Valley Road and is within Section 22, Township 15 South, Range 65 West of the 6th P.M. Parcel No. 5522008004) (Commissioner District No. 4).

DISCUSSION

Ms. Ruiz, with Vertex, asked if a full presentation was needed or if there was something specific that she could address?

Mr. Trowbridge asked about a figure on page 4 of the applicant's presentation, which shows compatibility with the surrounding neighborhood. The figure shows twelve other parcels which have accessory structures. He asked why the applicant is pursuing an Additional Dwelling Unit (ADU) instead of an Accessory Living Quarters (ALQ)?

Ms. Ruiz answered that the intent of the accessory structure is to serve as the property owner's mother's residence. Considering the significant investment (whether it be a second structure or attached addition), future resale, and utilizing the addition in the future if their mother is no longer able to live there, the applicant has chosen to seek a Variance of Use application. The RR-0.5 zoning district allows two-family dwelling units as special use, which would allow for a rental. There are challenges in adding to the existing

structure. It is more costly. The surrounding neighborhood is characterized by having large accessory structures even if they are not ALQs. The applicant believes a detached unit is more consistent.

Mr. Trowbridge asked if any of the referenced twelve parcels had ADUs?

Ms. Ruiz stated she believes some of them are ADUs but cannot say for certain.

Mr. Trowbridge brought up that one site plan shows the ADU in the rear of the property, but another diagram shows the ADU on the west side next to the house.

Ms. Ruiz stated that is correct. One of the figures was meant to indicate which property was being referenced. The site plan is on another slide of the presentation.

Mr. Trowbridge asked if there are any other accessory structures on this lot?

Ms. Ruiz stated there are not. The only structure on the lot is the existing dwelling unit. They are proposing a second, detached dwelling unit.

Mr. Trowbridge was concerned that the number of ADUs in the surrounding neighborhood could not be addressed specifically.

Ms. Ruiz stated she may be able to update the Letter of Intent to include that information before the Board of County Commissioner's hearing if it were deemed important.

Mr. Trowbridge stated he is concerned that this would begin a precedent in the neighborhood if they were not already present. He didn't see any comments from neighbors.

Ms. Ruiz stated no comments from neighbors were submitted.

Mr. Trowbridge stated he understands the applicant wants to use this for their mother now but then down the road would like to use it as a rented apartment. That is the intent. He is not comfortable with that.

Ms. Ruiz asked if he would like more justification?

Mr. Bailey thinks the questions for staff about the other additions on nearby parcels are relevant. He also would be interested if any of the already established accessory structures are *approved* accessory or additional dwelling units. He wonders how anyone would know if they were being used as rental apartments or not already?

Mr. Trowbridge agreed. He added that he would like to know if they are specifically ADU or ALQ, since those are different.

Ms. Ruiz proceeded with applicant's presentation. Staff presentation followed.

DISCUSSION

Ms. Bagley addressed Mr. Trowbridge and Mr. Bailey's question regarding the types of accessory structures indicated in an earlier figure. She had quickly searched in EDARP and was able to look at 8

out of 12 indicated parcels. Nothing was found to indicate any ADUs were used as rentals or as special use for ADUs. Two of the accessory structures appeared to be detached garages only.

Mr. Bailey questioned how the County would know the ADUs were being used as rentals unless the homeowner specifically volunteered that information?

Ms. Bagley stated nothing has been permitted through the County to be a Variance of Use (to rent those out) or a Special Use.

Mr. Bailey included that the overall question is whether this project is in line with the character of the neighborhood, which is what should be considered. He wonders if this could be a situation where an applicant is trying to do the right thing from the beginning instead of doing whatever they wanted all along under the radar?

Ms. Parsons clarified that any applicant who requests an ALQ on their property goes through a residential review with a site plan. They are required to sign an affidavit that states they will not rent the unit out. That affidavit is then recorded and goes against the property. It is picked up in title work so that they cannot use that as rental income. This legal, recorded affidavit is the guarantee that they will not rent the unit out.

Mr. Mastin added that (unauthorized rentals of ALQs) is an overall issue very prevalent in the County. It is not just from applicants who request to do a structure like this. Some people request to put up a garage but then turn it into rentals. The way the County finds out about them is through Code Enforcement complaints filed by neighbors. Multiple cases like that are going on right now. It is a growing industry. It's always a possibility of any structure in the County.

Ms. Fuller stated that from the presentation, it seemed like if this were attached to the house, it could have been approved administratively? She asked if this likely would have been approved that way?

Ms. Parsons stated that if an ALQ is to be rented, either attached or detached, would need to go through this process. If it were to be used by a family member only, it could have been completed as a special use for ALQ for an extended family dwelling - detached. It is her understanding that this applicant did not choose that process and chose to do this long-term process.

Mr. Kilgore commented that Mr. Trowbridge mentioned earlier his worry of setting a precedent, and he wanted to remind members that each application stands on its own.

Mr. Trowbridge stated he was focused on the criteria that this proposal is compatible with the character of the surrounding neighborhood.

Ms. Ruiz clarified that the RR-0.5 allows a two-family dwelling unit as special use versus ALQ.

Ms. Parsons stated she didn't realize the application was for a duplex.

Ms. Ruiz stated they are not proposing a duplex. She believed Ms. Fuller's question was regarding if this were an attached unit, could it have been done administratively as a special use approval to be a rental unit. She reiterated that she believes this property is situated differently than other properties within the neighborhood due to its proximity to existing commercial zoning and development. It is adjacent to anticipated urban development. From a character standpoint, not only is the area

characterized by large, detached accessory structures, and RR-0.5 would have allowed for a duplex, but being immediately adjacent to proposed urban development and existing commercial development, would likely cause this property to be more compatible if multi-family were being proposed.

Mr. Carlson asked if a homeowner could do long-term rental of a room in their house without permit?

Mr. Mastin stated he would need to research that answer.

Mr. Carlson explained that he doesn't see much of a difference between this proposal and if someone would be allowed to rent out a room of their house, even if it is a separate building.

Mr. Risley added that it goes back to the enforcement question of how the County could even become aware or enforce it unless a neighbor complains.

Ms. Parsons stated that if this were a bed and breakfast home, where a homeowner rents out a single room, then it would be an allowed use in RR-0.5 as an accessory use.

Mr. Whitney asked Ms. Ruiz to answer additional questions. He stated that his understanding is that if the applicant had decided to make this an attached unit, it could have been simpler. He questions why it is not attached?

Ms. Ruiz stated the applicant thinks having the unit detached is more in line with the character of the surrounding neighborhood, and it's easier to construct if it's detached. Having it attached would require them to redo all irrigation, roofing, and HVAC. Even though it is not part of formal consideration, it would be more expensive to build it attached.

Mr. Whitney stated it is his overall understanding that this unit will begin as a family member's dwelling, but the intent is to become a rental unit in the future.

Ms. Ruiz stated that is why the Variance of Use is being requested. That would allow the homeowners to use it as a rental in the future. If it were attached, used as a rental unit, it would still qualify for the administrative special use because RR-0.5 allows two-family dwelling units.

Mr. Trowbridge stated he is conflicted. He considers how BOCC tends to make decisions in favor of letting property owners maximize their property rights but is also mindful of the neighborhood and its character. The position of this structure right next to the existing house, right on the street, looks like any other house along the street. He is not comfortable with that.

Mr. Bailey agreed and understood. He added that the Master Plan encourages ADU and ALQs and expresses a need for additional housing. He wonders if Code Enforcement hasn't caught up to that understanding and need. He views this application favorably and appreciates that the homeowners are requesting *now* what they know they will pursue in the future. He supports this application.

Mr. Carlson added that it was important for him that no neighbors raised concerns. He is in support.

Ms. Merriam stated that she sees this use of a detached building as a growing need. She is in support.

PC ACTION: SCHUETTPELZ MOVED / BAILEY SECONDED FOR APPROVAL OF CALLED-UP CONSENT ITEM NUMBER 2B, VA-22-004 FOR VARIANCE OF USE, PEACEFUL VALLEY

ADDITIONAL DWELLING UNIT, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT, WITH TWO (2) CONDITIONS AND THREE (3) NOTATIONS, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (7-1).

IN FAVOR: RISLEY, BAILEY, CARLSON, FULLER, MERRIAM, SCHUETTPELZ, WHITNEY.

IN OPPOSITION: TROWBRIDGE.

COMMENT: NO ADDITIONAL COMMENTS AFTER THE VOTE.

4. REGULAR ITEMS

A. PUDSP-21-007

PARSONS

PLANNED UNIT DEVELOPMENT/PRELIMINARY PLAN HAVEN VALLEY

A request by MIDCO Investments LLC, and Fountain Mutual Metro District, for approval of a map amendment (rezoning) from a site-specific PUD (Planned Unit Development) and RS-6000 (Residential Suburban) to a site-specific PUD (Planned Unit Development) and approval of a preliminary plan for 98 single-family residential lots. The Parcels are also within the CAD-O (Commercial Airport District Overlay). The parcels, totaling 11.77 acres, are located south of the intersection of Alturas Drive and Cable Lane and are within Section 12, Township 15 South, Range 66 West of the 6th P.M. (Parcel Nos. 65122-00-011 and 65122-00-001) (Commissioner District No. 4).

DISCUSSION

Mr. Trowbridge requested more information regarding drainage.

Mr. Bailey requested more information about setbacks and structure height.

Ms. Barlow, with NES, answered that the height of the buildings will be maintained at 30 feet, which is typical for a single-family residential zone. All buildings and lots have been designed to have 2-car garages. There will be enough space for 2 cars to park in the driveways as well. They will work with the local fire department to include striping for areas not suitable for on-street parking. Typically, a 28-foot-wide street can accommodate parking on one side of the street, so there will be areas where parking will be available. Street parking may be limited along the fronts of the houses due to the narrowness and driveways, but the ability to park in the driveways will make up for it. Setbacks will be the typical 5-foot sides and 20-foot in the rear. This proposal includes an 18-foot front setback, which is a couple feet less than the original PUD's standard of 20 feet. This is not due to the driveways being shorter, but to accommodate a porch that had been proposed by the intended homebuilder (who has since backed out). She wanted to address public concern about architecture; There are no architectural plans at this point. Any future architectural plans will be reviewed by the County.

Mr. Carlson stated he is concerned about guest parking. He asked if there will be sufficient parking in the driveways that will not obstruct sidewalks?

Ms. Barlow stated there would be. Each lot will have a 2-car garage plus parking on the driveway for 2 cars. There will also be available street parking, especially along the sides of some lots.

Mr. McConnell addressed concerns regarding drainage. There is an off-site easement on the church property where they will be installing a full spectrum, extended basin in compliance with EPC criteria. They will essentially be “over-detaining” for off-site development upstream from this project. There are areas to the north and west that funnel to a point at the northwest corner of this property that will be picked up using the storm system and piped into the pond. It will then be released at the southern end a couple blocks and down Widefield Drive. Currently, the runoff goes between two existing houses and then goes down Widefield Drive. This will reduce that flow amount that goes through that corridor. MIDCO has acquired drainage easements to install improvements between those two lots. They are designing and constructing a flume so that those lots do not get flooded any more, even after the reduction to flow.

Mr. Trowbridge asked if it would be open drainage or piped between those two houses?

Mr. McConnell answered that it will essentially be a concrete channel between the houses once improvements are constructed. It will discharge to Widefield Drive.

Mr. Trowbridge asked if that runoff would empty onto the street and then flow into drainage?

Mr. McConnell clarified that would be the case for some of it. Part of it is piped (from the pond down into Widefield Drive) and then comes up in a bubbler-type inlet. The overflow is a flume. They must do that anyway for the 100-year overflow, like the stowaway on the detention pond. That will be routed in the concrete flume between the two houses. This will alleviate flooding they may have had previously. The runoff from upstream currently runs between those two houses.

Mr. Trowbridge stated it looks like it’s currently a riprap type of drainage between the two houses now. The plan is to install a concrete flume. It will be more controlled flowing through there.

Mr. McConnell confirmed that is all correct and added there will be a pipe underneath for overflow events. They are reducing the flow down Widefield Drive and hopefully eliminating more flooding downstream from the property because they are detaining more than what currently flows offsite.

PUBLIC COMMENT

Ms. Barlow, from the community, stated concerns regarding the access points into and out of the proposed community. She asked if there would be two exits? If a second exit is added, she worries it will take away from the existing park. She is concerned about the lack of a traffic light with the various residential communities, fire department, church, and school in the area. In the past, partial funding of a traffic light was requested of the church (who couldn’t afford it) so the developer was told they would need to fund it. Now, they’re saying it doesn’t need one. She worries about the water level and drainage. She doesn’t like that her view of the mountains will be obstructed. Images of the landscaping shows large trees, which will obstruct my view further.

Mr. Buetow asked what the timeframe of development will be? When will it begin and when will it finish? He is considering selling his home. His views will be taken away if the homes are two-story. He is concerned about the value of the new homes decreasing his own home value. He also asked about the potential of rental homes and if there would be an HOA to govern the community? He mentioned the discussion of a traffic light and asked if the existing park across the would be developed?

Mr. Trowbridge asked Mr. Buetow to indicate on the vicinity map where he resides in relation to the proposed project. It was indicated that Mr. Buetow lives to the east of the proposed community.

Mr. Trebotich stated the road has major traffic. He can't get out when he leaves for work. A traffic light is already needed by the fire station and the church. The speed limit is 40 mph, but people go faster. How many cars will be added with an additional 98 units? Everyone will need to drive the same way. A traffic light is needed. The pond will be about two houses away from his home. He is concerned about the value of his home decreasing.

DISCUSSION

Ms. Barlow, with NES, addressed the concerns addressed by the public. There will be two access points into and out of the community onto Cable Lane. Cable Lane terminates to the north, but running south, turns and connects to Bradley Road. The main road into the community is opposite Alturas Drive, which also connects to Bradley Road. It was determined after evaluation during the traffic report and the County's requirements and requests, that a traffic light is not warranted. The traffic, both existing and with that proposed from this development, does not come close to meeting the warrants. Traffic from this development will not have the same peak hours as the school or church. Traffic past a school at opening and closing time is always bad for about 15 minutes, but then it clears. That time will not coincide with the typical peak hours of a residential community, which tends to be both earlier in the morning and later in the afternoon. It's estimated the traffic from this community will be approximately 30 trips per peak hour. One trip every two minutes. Neither views nor the impact to property values are taken into consideration per the Code. There is a buffer around the community, which wasn't required per Code (as this is typically required between different use types) but is still being added to this community. There may not be much flexibility, but they can work with neighbors regarding tree species to mitigate concerns about view. The size of the proposed homes will be 30-foot maximum, likely two-story homes, like adjacent properties. There is no intention of this being a rental development. These are lots available for sale for homeownership. That does not, however, prevent the homeowner from renting their home out, but any of the adjacent community homeowners could do the same. There will be an HOA established during the final plat process. The impact to property values cannot be addressed because there is no homebuilder in place at this time. It cannot be determined when construction will start due to the fluctuating market. Values should be typical of a new single-family home, likely to exceed the value of the existing homes.

Mr. Trowbridge asked about the greenspace/park in the northeast corner of the proposed development.

Ms. Barlow stated the greenspace is maintained by the Fountain Mutual Metropolitan District. The park mentioned by neighbors is to the south and is also owned by the Metro District. Greenspace in this development is a continuation of that and will have a small public trail system.

Mr. Trowbridge also clarified that the school mentioned by the public is to the north of this development and will bring pedestrian traffic and parents driving from this development across to Alturas Drive.

Ms. Barlow agreed.

Mr. Trowbridge asked if the detention pond would be maintained by the HOA or the Metro District?

Ms. Barlow stated it would be maintained by the HOA. She also added that the streets in the community will be 24-foot pavement, as mentioned by Ms. Parsons, but is flowline to flowline, meaning the curb is not included in that measurement. Including the curb will be around 28 feet, which is the measurement used to determine on-street parking.

Mr. McConnell addressed the concerns regarding water-level mentioned. There will not be any wells on the property. It will be centrally served by Security Water and Sanitation District. The pond is a temporary holding facility, not constant standing water. It is designed to drain within 72-hours and is only there to assist drainage from storm events.

Mr. Risley stated that although he understands the concerns brought forth by neighbors, he believes having an in-fill project like this is beneficial to the overall community. He thinks it is important to support in-fill projects that are done as smartly as possible, and he believes this accomplishes that.

PC ACTION: TROWBRIDGE MOVED / CARLSON SECONDED FOR APPROVAL OF REGULAR ITEM NUMBER 4A, PUDSP-21-007 FOR A PLANNED UNIT DEVELOPMENT/PRELIMINARY PLAN, HAVEN VALLEY, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT, WITH EIGHT (8) CONDITIONS AND FOUR (4) NOTATIONS, AND A RECOMMENDED FINDING OF SUFFICIENCY WITH REGARD TO QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (8-0).

B. MP-22-001

MEYER

**MASTER PLAN
EPC PARKS MASTER PLAN UPDATE 2022**

El Paso County Community Services Department requests adoption of the El Paso County Parks Master Plan. This Master Plan repeals and/or replaces the existing El Paso County Parks Master Plan (2013). The Master Plan area includes all land within El Paso County located outside the incorporated municipalities and includes the accompanying maps, charts, and descriptive and explanatory matter. The Master Plan is an advisory document to guide park, trail, and open space development and preservation decisions.

DISCUSSION

Mr. Trowbridge asked if the budget included any funding for future land purchases?

Mr. Boebeck stated it does not.

Mr. Trowbridge asked if there was any part of the plan which addresses funding for future park purchases?

Mr. Boebeck stated they do not have funding identified for future land acquisition, though it is something that will be worked into other aspects of the budget.

PUBLIC COMMENT

Ms. Davies, from Trails and Open Space Coalition, is concerned that the tax edits on page 147 were being removed. This dishonors the public part of this process. The consultant invited people who care about the parks to voice their opinions. The potential TOPS tax should be in their arsenal. A few weeks ago, Douglas County continued their TOPS tax at .17% and 88% of their citizens agreed. At some point, citizens of El Paso County may agree. She thinks it's important that this Board say it should be kept in the plan. Keeping the tax wording in the plan honors the public process. It honors the reality of what their needs are and how they're going to pay for the future. She would love to see the County buy more open space as it grows, but there's no funding. Great Outdoors Colorado provides the opportunity to buy open

space, but many times El Paso County can't compete for those funding dollars because it doesn't have the match to make it happen. El Paso County is leaving money on the table that the state could have contributed to. She asks that the County reconsider and reinstate the tax details removed from the plan. She asks that the County honor the process and show respect for what people value in this county: parks, trails, open spaces, and nature centers. People want a new nature center up north, they want to improve the paint mines, they want to make trail connections. Without funding, it's not possible.

Mr. Marts addressed Ms. Davies' concerns. He stated they are in a tough situation. He is proud of what El Paso County has done for decades in finding the funds to create the parks they have. They partner with organizations and granting partners to buy new open space and create things. The Santa Fe Open Space and Kane Ranch Open Space were just opened. Falcon Regional Park was recent. They are still building and growing.

Mr. Risley added for clarification that even if the Master Plan doesn't specifically include or address a funding mechanism, that doesn't preclude the County from pursuing a tax or another funding mechanism in the future.

Mr. Marts stated that is correct. He added that this is an update to the 2013 Master Plan which does already reference these details.

Mr. Risley stated he did not recall this being an issue at the last public hearing. Had there been ongoing discussion about funding mechanisms throughout the process but was not raised as a concern last time?

Mr. Marts stated there were discussions, and it was not raised as a concern.

Mr. Risley reminded the room that the Planning Commission's role is to approve the Master Plan, not to make a recommendation to the BOCC.

PC ACTION: BAILEY MOVED / SCHUETTPELZ SECONDED FOR APPROVAL OF REGULAR ITEM NUMBER 4B, MP-22-001 FOR A MASTER PLAN, EPC PARKS MASTER PLAN UPDATE 2022, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT, THAT THIS ITEM BE APPROVED. THE MOTION WAS APPROVED (8-0).

MEETING ADJOURNED at 11:11 a.m.

Minutes Prepared By: Miranda Benson

RESOLUTION NO.

BOARD OF COUNTY COMMISSIONERS
COUNTY OF EL PASO, STATE OF COLORADO

APPROVAL OF VARIANCE OF USE FOR
PEACEFUL VALLEY ADDITIONAL DWELLING UNIT (VA-22-004)

WHEREAS, Nina Ruiz with Vertex, did file an application with the Planning and Community Development Department of El Paso County for approval of a variance of use within the RR-0.5 (Residential Rural) zoning district to permit a second dwelling where such is not permitted for property located within the unincorporated area of the County, more particularly described in Exhibit A, which is attached hereto and incorporated by this reference; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on December 1, 2022, upon which date the Planning Commission did by formal resolution recommend approval of the subject variance of use; and

WHEREAS, a public hearing was held by this Board on December 20, 2022; and

WHEREAS, based on the evidence, testimony, exhibits, recommendations of the El Paso County Planning Commission, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, and comments by the County Commissioners during the hearing, this Board finds as follows:

1. That the application for the variance of use was properly submitted for consideration by the Board of County Commissioners.
2. That proper posting, publication and public notice were provided as required by law for the hearings before the Planning Commission and the Board of County Commissioners.
3. That the hearings before the Planning Commission and Board of County Commissioners were extensive and complete, that all pertinent facts, matters and issues were submitted, and that all interested persons and the general public were heard at those hearings.
4. That all exhibits were received into evidence.
5. That the proposed land use does not permit the use of any area containing a commercial mineral deposit in a manner which would interfere with the present or future extraction of such deposit by an extractor.

6. That for the above-stated and other reasons, the proposed variance of use is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.

WHEREAS, pursuant to Section 5.3.4 of the El Paso County Land Development Code, as amended, in approving this variance of use, the Board of County Commissioners considered one or more of the following criteria:

1. The strict application of any of the provisions of the Land Development Code would result in peculiar and exceptional practical difficulties or undue hardship.
2. The variance of use is generally consistent with the applicable Master Plan.
3. The proposed use is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the surrounding area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the County.
4. The proposed use will be able to meet air, water, odor or noise standards established by County, State, or Federal regulations during construction and upon completion of the project.
5. The proposed use will comply with all applicable requirements of the Land Development Code and all applicable County, State, and Federal regulations except those portions varied by this action.
6. The proposed use will not adversely affect wildlife or wetlands.
7. The applicant has addressed all off-site impacts.
8. The site plan for the proposed variance of use will provide for adequate parking, traffic circulation, open space, fencing, screening, and landscaping.
9. Sewer, water, storm water drainage, fire protection, police protection, and roads will be available and adequate to serve the needs of the proposed Variance of Use as designed and proposed.

NOW, THEREFORE, BE IT RESOLVED the Board of County Commissioners of El Paso County, Colorado, hereby approves the application by Nina Ruiz for a variance of use to allow a second dwelling within the RR-0.5 (Residential Rural) zoning district where such is not a permitted use for the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED the following conditions and notations shall be placed upon this approval:

CONDITIONS

- 1. Approval is limited to the use of a second dwelling, as discussed, and depicted in the applicant’s letter of intent and site plan drawings. Any subsequent addition or modification to the use beyond that described in the applicant’s letter of intent and as shown on the site plan shall be subject to approval of a new variance of use request.
- 2. A site plan shall be applied for and approved on the site within six (6) months of the date of variance of use approval by the Board of County Commissioners. The deadline may be extended by the PCD Director, at his or her discretion, if the Director finds that the applicant has made a good faith effort to secure such approval.

NOTATIONS

- 1. Variance of Use approval includes conditions of approval and the accompanying site plan and elevation drawings. No substantial expansion, enlargement, intensification, or modification shall be allowed except upon reevaluation and public hearing as specified in the El Paso County Land Development Code.
- 2. The Board of County Commissioners may consider revocation and/or suspension if zoning regulations and/or Variance of Use conditions/standards are being violated, preceded by notice and public hearing.
- 3. If the Variance of Use is discontinued or abandoned for two (2) years or longer, the Variance of Use shall be deemed abandoned and of no further force and effect.

AND BE IT FURTHER RESOLVED the record and recommendations of the El Paso County Planning Commission be adopted, except as modified herein.

DONE THIS 20th day of December, 2022, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:

By: _____
Chair

By: _____
County Clerk & Recorder

Resolution No.
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EXHIBIT A

LOT 6 PEACEFUL VALLEY COUNTRY CLUB ESTATES FIL NO 1